



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,119	03/10/2004	Tomio Sato	02410360AA	2469

30743 7590 12/06/2004

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

FISHMAN, MARINA

ART UNIT PAPER NUMBER

2832

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

00

Office Action Summary	Application No.	Applicant(s)	
	10/796,119	SATO, TOMIO	
	Examiner	Art Unit	
	Marina Fishman	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/10/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a First Action on the Merits. Claims 1 - 7 are pending in the case and are being examined.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on March 10, 2003. It is noted, however, Applicant has not filed a certified copy of the Japanese applications as required by 35 U.S.C. 119(b).

The letter titled "Submission of Priority Document" dated July 14, 2004, was received, however, the priority documents were not received with the letter.

Drawings

3. Figures 11 and 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to **a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. [4,771,146].

Suzuki et al. disclose a keyboard apparatus comprising:

- a frame [28];
- a link bearing [30a, Figure 1] provided on the frame having elongated hole [30c];
- a link [25, 26] slidably engaged with the elongated hole of the link bearing;
- a stopper surface [slanted surface of 30a, Figures 1 and 2] provided on the frame (though the slanted surface is part of

- link bearing, it is provided on the frame) and positioning the link at an assembling position in the elongated hole;
- the link is disposed at the assembling position in the elongated hole when a key top [20] is assembled to the link.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. [4,771,146] in view of Lin [US 5,746,308].

Regarding Claims 2 – 7, Suzuki et al. disclose the instant claimed invention except for the frame being moved down along the inclined face of stopper by its own weight. Suzuki et al. does disclose the link [25, 26] being moved down the slot [30c]. The use of the link weight for assembly is method step limitation in an article claim and absent any criticality, is considered to be an obvious matter of design choice because neither non-obvious nor unexpected results will be obtained as long as the assembly can be completed.

Regarding Claims 3 and 4, Suzuki et al. does not disclose the frame or the stopper being made from metal. Lin [Figure 6] discloses a keyboard apparatus comprising a frame [28] and support [281], both made from metal. Therefore, it would have been obvious to one of ordinary skill in the art, to have frame and support made

from metal in Suzuki et al., as suggested by Lin, in order to make frame and support stronger.

Regarding Claims 4 -7, the recitation "a link bearing formed by subjecting the metal plate to a sheet metal process" (Claim 4); "the link is formed by subjecting a metal wire rod to a bending process" (Claim 5); "the link bearing is formed by subjecting the metal plate to a boring process and cut-raising process" (Claim 6) and "the link bearing is formed by subjecting the metal plate to an ejection process" (Claim 7), all are method steps in article claim and are obvious to one of ordinary skill in the art and also these recitations do not carry patentable weight unless the method steps results in a patentably distinct article.

Conclusion

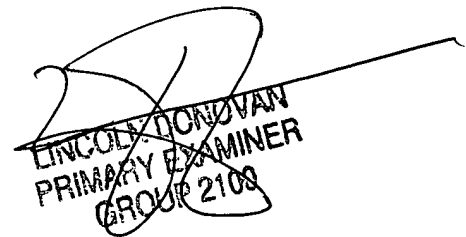
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oura [US 6,172,868], Hu [US 6,160,233], Shih-Hung [US 6,022,157], Yao [US 6,150,624], Hu [US 6,091,036], Miyakoshi [US 6,355,894], Hu [US 6,179,497], Hsu [US 6,300,583], and Hu [US 6,004,051], all disclose keyboard assembly. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
November 16, 2004


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2108